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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,904	07/28/2003	Yang Gao	01CON355P-CON	7433

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EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,904	Applicant(s) GAO, YANG	
	Examiner Susan McFadden	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43,47-50,54,56,58 and 59 is/are rejected.
- 7) ☒ Claim(s) 44-46,51-53,55 and 57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RM

DETAILED ACTION

Drawings

1. Figures 1A, 1B, 2, and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is too long and contains "means". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 43,47,49,50,54,56, and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Su et al. (6,493,665)

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

In regard to claim 43, Su et al. show a system and method for speech encoding comprising: generating a first synthesized speech signal from a first excitation signal; weighting said first synthesized speech signal using a first error weighting filter to generate a first weighted speech signal; generating a second synthesized speech signal from a second excitation signal, weighting said second synthesized speech signal using a second error weighting filter to

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generate a second weighted speech signal; and generating an error signal using said first weighted speech signal and said second weighted speech signal; wherein said first error weighting filter is different from said second error weighting filter (Abstract, Fig. 9).

In regard to claim 47, Su et al. show a system and method for speech encoding, wherein generating said first synthesized speech signal uses a first synthesizer and said generating said second synthesized speech signal uses a second synthesizer, and wherein said first synthesizer is independent from said second synthesizer (Fig. 2, items 267,249).

In regard to claims 49 and 54, Su et al. show in Figure 2, a system and method for speech encoding comprising: a first codebook (item 261); a second codebook (item 257); a speech synthesizer configured to generate a first synthesized speech signal from a first excitation signal of said first codebook and to generate a second synthesized speech signal from a second excitation signal of said second codebook (items 267, 249); a first error weighting filter configured to generate a first weighted speech signal from said first synthesized speech signal (item 268); a second error weighting filter configured to generate a second weighted speech signal from said second synthesized speech signal (item 251), and an error signal generator configured to an error signal using said first weighted speech signal and said second weighted speech signal, wherein said first error weighting filter is different from said second error weighting filter.

In regard to claims 50,56, and 58, Su et al. show in Figure 2, wherein said speech synthesizer includes a first speech synthesizer for generating said first

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synthesized speech signal and a second speech synthesizer for generating said second synthesized speech signal (items 249,267).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 48 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su et al (cited above).

In regard to claims 48 and 59, Su et al. show the system and method above. They do not specifically show that the first synthesizer is the same as said second synthesizer. The Examiner takes Official Notice that one of ordinary skill in the art would know how to specify synthesizers depending on the desired output. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with more flexibility.

Allowable Subject Matter

8. Claims 44,45,46,51,52,53,55 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


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The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, Su et al. shows a speech encoding method and system as discussed above. In regard to claims 44, they do not specifically show generating said error signal further comprises'. weighting said speech signal using a third error weighting filter to generate a third weighted speech signal; and subtracting said first weighted speech signal and said second weighted speech signal from said third weighted speech signal to generate said error signal. In regard to claims 44,45,51, and 52, Su et al. do not specifically show a third error-weighting filter is independent from and the same as said first error weighting filter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan McFadden
Primary Examiner
Art Unit 2655

October 4, 2005